

UNITED STATES DISTRICT COURT

for the
EASTERN DISTRICT OF WISCONSIN

In the Matter of the Search of

A United States Postal Service Express Mail Parcel bearing # EI027419184US . A 24" x 18" x 18" parcel weighing approx. 23 lbs, 14 oz, bearing \$140.60 in postage. The parcel bears a handwritten label addressed to "Ishmal Vaughn, 3292 N. 48th St., Milwaukee, WI 53216," with a return address of "Antique Collectables, 601 N. Oak St., Ukiah, CA 95482." The parcel was mailed on July 10, 2013.

Case Number: 13-880M(NJ)

APPLICATION & AFFIDAVIT FOR SEARCH WARRANT

I, Daniel J. Kakonis, a federal law enforcement officer, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property:

A United States Postal Service Express Mail Parcel bearing # EI027419184US . A 24" x 18" x 18" parcel weighing approx. 23 lbs, 14 oz, bearing \$140.60 in postage. The parcel bears a handwritten label addressed to "Ishmal Vaughn, 3292 N. 48th St., Milwaukee, WI 53216," with a return address of "Antique Collectables, 601 N. Oak St., Ukiah, CA 95482." The parcel was mailed on July 10, 2013.

located in the Eastern District of Wisconsin there is now concealed: **Please see attached affidavit, which is hereby incorporated by reference.**

The basis for the search warrant under Fed. R. Crim. P. 41(c) is which is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of a crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Title 21, United States Code, Sections 843(b).


The application is based on these facts:

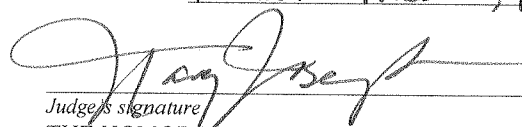
- ☒ Continued on the attached sheet, which is incorporated by reference.
 - ☐ Delayed notice of ____ days (give exact ending date if more than 30 days: _____)
- is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Sworn to before me, and signed in my presence.

Date July 12, 2013

City and state: Milwaukee, Wisconsin


Applicant's signature
Name and Title: Daniel J. Kakonis, Postal Inspector


Judge's signature
THE HONORABLE NANCY JOSEPH
United States Magistrate Judge
Name & Title of Judicial Officer

AFFIDAVIT

I, Daniel Kakonis, being duly sworn on oath, state as follows:

1. I am a United States Postal Inspector currently assigned to the Milwaukee Domicile of the United States Postal Inspection Service. I have been employed as a Postal Inspector for over 25 years. My primary duties include investigating mailing of suspected controlled substances. As a Postal Inspector, I have been involved in hundreds of investigations of narcotics trafficking through the United States mail. Based upon my experience as a federal law enforcement officer, I know that the United States mails are used to deliver controlled substances.

2. The information contained in this affidavit is either the result of personal observations and investigation or has been relayed to me by other law enforcement agents or citizen witnesses, all of whom I believe to be reliable. I have not included in this affidavit each and every fact known to me regarding this investigation, but only those relating to determining whether there is probable cause to believe that items seized will be found in the places to be searched and whether those items are evidence of the offenses identified in this affidavit.

3. The Postal Inspection Service has implemented a U.S. Mail Narcotic Interdiction program nationwide. This program consists of a physical inspection of mail parcels which have been mailed to or from locations throughout the country. Packages bearing identifiable characteristics of drug parcels are subjected to a certified narcotics dog trained to detect controlled substances.

4. This affidavit is submitted in support of an application for a search warrant for a 24" x 18" x 18" Express Mail Parcel mailed on July 10, 2013, bearing label number EI027419184US. This parcel bears a handwritten label addressed to Ishmal Vaughn, 3292 N. 48th St., Milwaukee, WI 53216, and bears the return address of Antique Collectables, 601 N. Oak St., Ukiah, CA 95482. The parcel weighs approximately 23 lbs. 14 oz. and bears \$140.60 in postage.

5. The parcel originated from California which is a known source state for narcotics. Your affiant has determined from open source databases that the address 601 N. Oak St., Ukiah, CA does not exist. Furthermore there is no such business as "Antique Collectables" in Ukiah, CA. Your affiant by his training and experience knows that parcels which contain controlled substances often use fictitious names and addresses when mailing narcotics.

6. On July 12, 2013, Inspector Kakonis saw the SUBJECT PARCEL while reviewing incoming Express Mail packages at the Milwaukee Post Office. Inspector Kakonis picked up the parcel described in paragraph 4 and made arrangements to bring a narcotics detecting canine from the Milwaukee Police Department to the Milwaukee Post Office. On July 12, 2013, I met with Milwaukee Police Detective Eugene S. Nagler and his canine "Duke", who are trained and certified in the detection of dangerous drugs by the North American Police Work Dog Association. Detective Nagler and Duke were originally certified on June 25, 2004, and are recertified annually, with a recent recertification on June 6, 2013. The controlled substances they are certified in detecting include marijuana, heroin, meth and cocaine. Detective Nagler stated Duke has alerted over 600 times, including training, to the presence of controlled substances he is trained to detect. Duke alerts have been the basis for more than 200 search warrants, and more than 200 searches of motor vehicles. In addition, according to Inspection Service records, Duke has successfully alerted to controlled substances on US Mail parcels and letters on 126 of 127 occasions since February of 2008. Detective Nagler informed me that Duke's alert indicates the presence of controlled substances or other items, such as proceeds of controlled substances, which have been recently contaminated with, or associated with, the odor of one or more controlled substances.

7. On July 12, 2013, Inspector Kakonis placed the aforementioned parcel on the ground at the Milwaukee Post Office with five other similar parcels. "Duke" alerted on the parcel addressed to Ishmal Vaughn, 3292 N. 48th St., Milwaukee, WI 53216, described in paragraph 4 above, by scratching and biting at it. Detective Nagler advised these actions are consistent with "Duke" detecting the odor of controlled substances. "Duke" did not alert on any of the other five parcels.

8. I believe that, based upon the evidence described above, there is probable cause to indicate that the contents of the parcel address to Ishmal Vaughn, 3292 N. 48th St., Milwaukee, WI 53216, is drug related, and may thus be evidence of using the mail to facilitate the possession and/or distribution of a controlled substance, in violation of Title 21, United States Code 843(b).